

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

2008 JAN 24 A 4:32

TERA A. McMILLAN )  
S. DISTRICT OF )  
MIDDLE DISTRICT )

Plaintiff, )

) CASE NUMBER: 2:07:CV-01-WKW

vs. )

ALABAMA DEPARTMENT OF YOUTH )

SERVICES and MICHAEL J. HARDY, )

Defendants. )


**MOTION TO QUASH SUBPOENA**

COMES NOW a non-party Dr. John R. Langlow, and moves this Honorable Court for an Order directing that the records of the non-party as they pertain to **Tera A. McMillan** remain confidential and that this Honorable Court issue an Order quashing the subpoena served upon the Movant by the Alabama Department of Youth Services which requests records related to the foregoing individual and for grounds would show as follows:

1. That your movant is not a party to this action and is a mental health services provider.
2. That pursuant to § 34-26-2, Code of Alabama, (1975); FED. R. EVID. 501; and *Jaffee v. Redmond*, 518 U.S. 1 (1996); the records requested in this case contain information gathered pursuant to the movant's psychiatric treatment and assessment of **Tera A. McMillan** and is therefore confidential information and not subject to disclosure.

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Motion To Quash  
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WHEREFORE, PREMISES CONSIDERED, your movant requests that this  
Honorable Court issue an Order quashing that certain subpoena served upon the movant  
in this case.

By: 

Stephen B. Griffin  
Attorneys for the Movant  
Dr. John Langlow

OF COUNSEL:  
Stephen B. Griffin & Associates  
2100 River Haven Drive  
Suite #1  
Hoover, AL 35244  
(205) 402-7476  
(205) 402-7292- fax

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been served upon  
all counsel of record as set forth below by U.S. mail, properly addressed, postage prepaid  
this the 23rd day of January, 2008.

cc:

Hon.T. Dudley Perry, Jr.  
Post Office Box 66  
Mt. Meigs, AL 36057

Hon. Jimmy D. Jacobs  
4137 Carmichael Rd.  
Suite 100  
Montgomery, AL 36106-3614

Hon. James Wilson  
P.O. Box 241345  
Montgomery, AL 36124-1345

  
Of Counsel

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

TERA A. McMILLAN,

Plaintiff,

vs.

ALABAMA DEPARTMENT OF  
YOUTH SERVICES and  
MICHAEL J. HARDY,

Defendants.

Case No: 2:07:CV-01-WKW

*James Jacobs*  
*James Jacobs*  
*James B. Jacobs*  
*4137 Cosmicheel Rd*  
*Suite 100*  
*Montgomery, AL 36106-3614*

**SUBPOENA DUCES TECUM**

To: John R. Langlow, III, M.D.  
2868 Acton Road  
Birmingham, AL 35243

**YOU ARE HEREBY REQUIRED** to produce to the Alabama Department of Youth Services, Legal Division, located at 1000 Industrial School Road, Washington Hall, Suite 200, Mt. Meigs, Alabama 36057, the following information:

1. Any and all medical records, including but not limited to, any and all reports, notes, tests, test results, diagnoses, prognoses, office records, clinic records, therapy records, and correspondence pertaining to Tera McMillian, date of birth, 1/12/1973.

2. Any other such record in the possession, custody or control of the said witness, and every such record to which the witness may have access, pertaining to Tera McMillian, Date of birth, 1/12/1973.

*James Wilcox*  
*P.O. Box 241345*  
*Montgomery 36124*  
*1345*

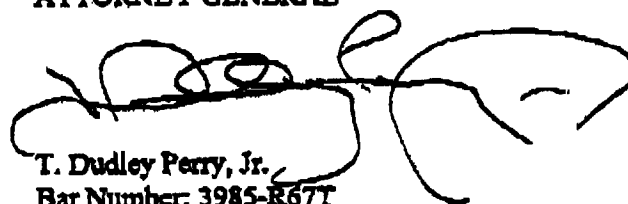
Received Time Jan.22. 4:05PM

You are required to produce to the Legal Division the medical records for Tera McMillian which covers the time frame of 2003 - present. The records are to be produced no later than close of business (4:30 p.m.) on February 1, 2008.

This subpoena is issued pursuant to Federal Rule of Civil Procedure 45 and said subpoena will remain from time to time until discharged according to law.

Done this 17<sup>th</sup> day of January, 2008.

TROY KING  
ATTORNEY GENERAL



T. Dudley Perry, Jr.  
Bar Number: 3985-R67T  
General Counsel  
Attorney for the Defendant  
Alabama Department of Youth Services  
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